



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,564	12/17/2001	Takaaki Kutsuna	011709	6229

23850 7590 04/01/2004

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

KEEHAN, CHRISTOPHER M

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary

Application No.

10/015,564

Applicant(s)

KUTSUNA ET AL.

Examiner

Christopher M. Keehan

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-58 is/are allowed.
- 6) ☒ Claim(s) 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The rejection of claims 18, 20, and 22 under 35 U.S.C. 112, second paragraph, has been withdrawn due to applicant's amendments.

Claim Rejections - 35 USC § 102

The rejection of claims 1,2, and 6 under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (4,957,980) has been withdrawn due to applicant's amendments.

The rejection of claims 1-4, and 6 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kihara et al. (EP 0709418 A2) has been withdrawn due to applicant's amendments.

The rejection of claims 1, 2, 4, and 6 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hamabuchi et al. (JP 63301264) has been withdrawn due to applicant's amendments.

Claim Rejections - 35 USC § 103

The rejection of claims 7-18, and 23 under 35 U.S.C. 103(a) as being unpatentable over Kihara et al. (EP 0709418 A2) has been withdrawn due to applicant's amendments.

Examiner's Comments

In the previous office action, claims 5, 19, and 21 were indicated as being objected to but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, upon a new search, pertinent prior art has been found in relation to claim 5. Therefore, the possible allowability of this claim has been withdrawn, and this subject matter has been addressed as set forth below.

In addition, in present claim 48, the sixth line of the claim, the word "agent" has been misspelled.

Finally, although it is understood by the examiner what is meant by applicant, in claims 31 and 34, the first line of each claim is confusing.

New Claim Rejections - 35 USC § 103

Claims 24-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (3,683,044) in view of Nishimura et al. (5,356,961). Regarding claims 24-28, Huang et al. disclose a composition for coating comprising an epoxy resin and an amine curing agent, wherein the epoxy resin is an epoxy with a glycidylamine moiety derived from metaxylylenediamine (col.3, line 41-col.4, line 20), and that the epoxy resin can be cured by curing agents customarily used for curing glycidyl compounds (col.4, lines 38-53). Huang et al. do not appear to specifically disclose an amine curing agent that is a reaction product of metaxylylenediamine and a polyfunctional compound having at least one acyl group. Nishimura et al. disclose an epoxy resin composition

Art Unit: 1712

comprising an epoxy resin and a curing agent that is a reaction product of metaxylylenediamine and a polyfunctional compound having at least one acyl group (col.2, line 64-col.3, line 40), and that a mixture of the acyl-containing compounds can be used (col.3, lines 33-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the amine curing agent of Nishimura et al. in the composition of Huang et al. because Nishimura et al. teach that using an amine curing agent as claimed produces a high curing rate with a cured coating excellent in external appearance and adhesivity resulting in a higher quality product.

Regarding claims 29 and 30, the Huang et al. combination does not disclose a gas barrier property. However, as the combination discloses the same materials as claimed, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the composition of the Huang et al. combination to have an at least similar gas barrier property because the materials of the Huang et al. combination discloses at least similar materials, and at least similar materials would have yielded a composition with an at least similar gas barrier property.

Allowable Subject Matter

Claims 31-58 are allowed. A reasonable search of the prior art of record failed to reveal the limitations as set forth. Huang et al. and Nishimura et al. do not teach or disclose a flexible polymer film, or the multilayered laminates as claimed.

Art Unit: 1712

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horie et al. (JP 61012723) disclose a composition comprising an epoxy resin and an amine curing agent, wherein the amine curing agent is a reaction product of xylylenediamine and epoxy. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (571) 272-1087. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu S. Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Keehan *PK*

DAVID J. BUTTNER
PRIMARY EXAMINER

March 22, 2004

David Buttner